

Patent Application: 09/712,390
Docket No: P14121US

Remarks

Claims Objections

Claims 3 and 11 stand objected on the basis they comprise some informalities.

Responsive to the Examiner's rejection, Applicant has amended claims 3 and 11 as suggested by the Examiner. Withdrawal of the present rejection is therefore respectfully requested.

Claims Rejections: 35 U.S.C. §102(e)

Claims 1-3, and 5-6 stand rejected under section 102(e) of 35 U.S.C. for being allegedly anticipated by Lupien (US Patent 6,463,055).

Applicant respectfully traverses.

Claim 1 is directed to a method of delivering data and real-time media from a first mobile terminal to a second mobile terminal, said data being transferred through a packet-switched network, and said real-time media being transferred through a circuit-switched network, said method comprising the steps of:

passing the real-time media from the first mobile terminal to the second mobile terminal in a circuit switched call;

passing the data from the first mobile terminal to the second mobile terminal in a packet-switched data session;

associating the circuit-switched call with the data session in the second mobile terminal using binding information passed from the first mobile terminal to the second mobile terminal; and

simultaneously presenting the real-time media and the data to a user of the second mobile terminal.

Lupien teaches an integrated telecommunications network for interworking an ANSI-41 circuit switched network and a General Packet Radio Service (GPRS) network, wherein an interworking function acts to interface an MSC of the circuit switched network with a serving GPRS switching node (SGSN) of the GPRS network, by mapping circuit switched signaling into packet switched signaling, and vice versa.

The passages relied upon by the Examiner as allegedly anticipating the Applicants claimed invention in actual facts teach away from the present invention. For example, in Lupien, Fig. 5, both Terminal Equipment (TEs 52 and 34) reside exclusively in the packet data network (the lower part of the figure) and because they are not connected to the circuit switched network (the upper part of the figure), they have no means whatsoever to carry on a circuit switched call as claimed by the Applicants.

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In another embodiment of Lupien, at col. 19, l. 65 – col. 10, l. 10, there is presented a mobile station registered in both networks that can receive concomitant packet switch calls during a packet data transaction, as it is widely known in the prior art. In Lupien's variant, the MSC utilizes an interface to the interworking function to request the SGSN to page the mobile station in preparation for delivering the circuit switched call. This passage merrily suggests that it is possible to carry on concomitant packet data sessions and circuit was switch calls, as already known. However, the passage is totally silent on any manner of associating information received over the packet switched data session and the circuit switched call based on binding information in the receiving terminal, as claimed by the Applicants.

Finally, in col. 3, l.56 of Lupien, Applicants respectfully draws the attention of the Examiner to the fact that there is absolutely no disclosure of any kind of binding information for associating together two or more sessions. Rather, Lupien discloses the widely known fact that mobile stations are identified by an IMSI, but stops short of proposing to use the IMSI as binding information for associating information received via a packet switched session and assert was switch voice call, as claimed by the Applicants.

For these reasons, the Applicants respectfully submit that Lupien cannot serve as basis for a proper rejection based on 35 U.S.C. §102(e), and consequently kindly request the withdrawal of the outstanding rejection.

Applicants respectfully submit that claim 1 is novel and nonobvious, and thus patentable over the teaching of Lupien. Claims 2-3 are dependent of claim 1, and since they merely add further limitations and clarifications thereto, they are believed to be patentable as well. Claim 5 is an independent claim having limitations similar to those of claim 1, and is therefore submitted as being patentable for the same reasons. Claim 6 is dependent of claim 5, and since it merely adds further limitations and clarifications thereto, it is believed to be patentable as well. New claim 15 is an independent system claim having limitations similar to those of claim 1, and is therefore submitted as being patentable for the same reasons as those discussed above. Claims 16-17 are dependent of the new claim 15, and since it merely adds further limitations and clarifications thereto, they are believed to be patentable as well.

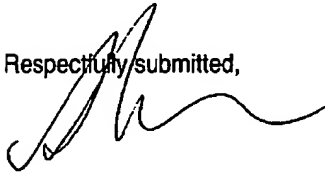
Conclusion

Claims 4, 7-14 have been already indicated by the Examiner as allowable in the outstanding Office action. In light of the above-mentioned amendments and remarks, Applicants respectfully submit that all currently pending claims 1-17 are in favorable condition for allowance.

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In the Examiner finds out that the prosecution of the present invention would be facilitated by telephone interview, the Examiner is invited to contact the undersigned, Alex Nicolaescu, at telephone number (514) 345- 7900 extension number 2596.

Respectfully submitted,



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USPTO Reg. Number 47,253